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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,913	04/27/2001	Kazutoshi Higuchi	58799-043	8374

7590 11/03/2004
McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,913	Applicant(s) HIGUCHI, KAZUTOSHI	
	Examiner Sharad Rampuria	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 12 and 13 is/are pending in the application.
4a) Of the above claim(s) 1 and 5-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-4, 12 and 13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election without traverse of Group II, claim(s) 2-4, 12-13 in the reply filed on 06/23/04 is acknowledged.

Claim Objections

Applicant is advised that should claim 2 be found allowable, claim 3 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are **duplicates** or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13, & 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda [US 6144858] (hereinafter Masuda) in view of Chang [US 6188890] (hereinafter Chang).

12. Regarding claim 12, Masuda disclose a transmitter circuit for amplifying and modulating an output signal to be transmitted as an uplink signal from an antenna, (col.5; 35-54)

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a signal demodulator for dividing an output from said receiver circuit into communication signal and a control signal, (col.5; 35-54)

wherein said control signal contains an intensity control signal for controlling the intensity of said uplink signal, said control processor, a signal for maximizing intensity of said uplink signal included within said control signal lasts for predetermined period of time. (col.7; 17-col.8; 12)

Masuda fails to disclose the control processor generating an alarm. However, Chang teaches in an analogous art, that A portable mobile unit (303; fig.9 & abstract) comprising: a receiver circuit for receiving a downlink signal from a base station, (904; fig.9) a control processor operative for receiving said control signal, (901; fig.9, col.10; 18-31) and control processor generating an alarm. (col.10; 18-24 & 33-53) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the control processor generating an alarm in order to alert and prevent the user from disconnecting the call.

13. Regarding claim 13, Masuda disclose A portable mobile unit according to claim 12, wherein said control processor generates an alarm when the number of base stations said portable mobile unit can communicate with properly is one. (col.5; 64-col.6; 10)

2. Regarding claims 2-3, Masuda disclose a signal modulator for performing code modulation of said input audio signal, (col.6; 23-34) wherein said downlink signal contains an intensity control signal for controlling intensity of said uplink signal, said control processor, a signal for maximizing intensity of said uplink signal included within said intensity control signal lasts for predetermined period of time or more, while said downlink signal is normally received at said

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receiver circuits (col.7; 17-col.8; 12) and said control processor is supplied with said control signal from said signal demodulator and said transmitter circuit amplifies and modulates an output from said signal modulator and sends out a resultant signal as an uplink from said antenna. (col.5; 35-54)

Masuda fails to disclose the control processor generating an alarm. However, Chang teaches in an analogous art, that A portable mobile unit (303; fig.9 & abstract) according to claim 12, further comprising: a receiver circuit for receiving a downlink signal from a base station, (904; fig.9) a microphone for converting voice into an input audio signal (906; fig.9), a control processor operative for receiving said control signal, (901; fig.9, col.10; 18-31) and control processor generating an alarm. (col.10; 18-24 & 33-53) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the control processor generating an alarm in order to alert and prevent the user from disconnecting the call.

4. Regarding claim 4, Masuda disclose wherein said control processor generates an alarm when the number of communicable base stations is one; (col.5; 64-col.6; 10) and said control processor is supplied with said control signal from said signal demodulator: and said transmitter circuit amplifies and modulates an output from said signal modulator and sends out a resultant signal as an uplink from said antenna. (col.5; 35-54)

Masuda fails to disclose the control processor generating an alarm. However, Chang teaches in an analogous art, that A portable mobile unit (303; fig.9 & abstract) according to claim 12, further comprising: a receiver circuit for receiving a downlink signal from a base station, (904; fig.9) a microphone for converting voice into an input audio signal (906; fig.9), a control

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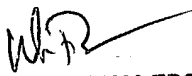
processor operative for receiving said control signal, (901; fig.9, col.10; 18-31) and control processor generating an alarm. (col.10; 18-24 & 33-53) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the control processor generating an alarm in order to alert and prevent the user from disconnecting the call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria
October 20, 2004


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600